

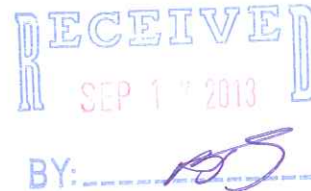
As submitted



Sept 16, 2013

**MEMORANDUM TO: Brian Sheahan;
Lake County Planning**

From A. Geoffrey McNeill, RLA
Principal AGMCI, LLC
Consultant to Davidson Harvest et al Properties, Stakeholder.



Re: Wellness Way Sector Plan Policy comments dated 8/23/13 draft

Lake County Wellness Way Sector Plan

General Comments on Future Land Use and Economic Data and Analysis:

- ***Make fewer policy and FLUM restrictions on where future employers can be located. Create incentives and promote creativity for how target industry can to be located in or adjacent to residential.***
"Type 4 imbalances- If not constrained by policies that "zone-out" employment in order to maintain a bedroom community, the market will probably correct this imbalance over time: employers study the strength of the local labor force in terms of their skills and education levels, and under many conditions will be eager to locate close to pools of skilled labor force. Potential solutions to this type of imbalance may include a change in local land-use policies" Page 114
- ***The Sector Plan suggests that the Horizon West area was not planned for jobs housing balance therefore there will be excess residential to support the Wellness Way Sector. This is not a correct assumption, and the Wellness Way Sector will need to generate enough housing to support its own projected employment.***
"The Wellness Way Sector Plan area..... However, a large inventory of built and planned residential development surrounds the Wellness Way Sector Plan area to the north, south and east." Page 114
- ***If the Sector Plan assumption is as stated as follows it would then be appropriate to allocate all of the related housing demand supported by the desired jobs housing balance to the sector as well.***

AGMCI, LLC P.O. Box 685 Winter Park Florida 32790-0685

2185 North Park Avenue, Suite 7 Winter Park Florida 32789

"is understood that not all of the potential growth that has been identified for Lake County will be developed within the Wellness Way planning area; however, providing appropriate land use allocations within the Wellness Way Sector Plan that may potentially accommodate all of the estimated growth of the targeted industries for Lake County will provide the maximum range of alternative site choices developers and maximize Lake County's opportunity to capture anticipated job growth in the target industry sectors within Lake County and the Wellness Way Sector Plan Area." DRAFT 8/23/13 Page 106 of 148

- **Please check the math in tables 53 and 54**
See Page 110
- **It would appear from the data in tables 53 & 54 that the range for acreage demand in the County for target employment could range from 683 acres to 7,411 acres.**
- **On page 110 Tables 53 and 54 project 65,260 jobs. These jobs divided by 1.5 jobs per household result in a demand 43,560 housing units. How does this correlate with the Future Land use assumption and allocations on page 22 of the Plan and the Goals, Objectives and Policies? The recommended allocation of the 16,124 units, 12,900 units single family (80%) and 3,225 units multifamily (20%) seems inconsistent with the projected 91,966 jobs on page 25 which result in the need for 61,310 households. A higher amount of residential is needed in the Sector.**
- **A suggested revision to Table 6 is as follows:**

Table 6: Proposed Future Land Use Intensities and Densities

Land Use	FAR			Residential Density		
	Min	Typical	Max	Min	Typical	Max
Rural Reserve	N/A	0.01	0.05	N/A	0.10	0.20
Mixed-Use Sub-Urban	0.10	0.2	0.75	1.00	3.50	18.00 ²
Mixed-Use Urban	0.18	0.75	2.0 ¹	3.00	5.00	24.00 ³
Employment	0.3	0.50	1.7	4.00	8.00	24.00
Conservation	N/A	N/A	N/A	N/A	N/A	N/A

Notes:

1. A maximum FAR of 3.0 will be allowed within a town center node within Mixed-Use Urban.
2. A maximum density of 24 dwelling units an acre will be allowed within a mixed town center node.
3. A maximum density of 30 dwelling units an acre will be allowed within a mixed town center node.

Comments: Section IV Goals Objectives & Policies

GOAL 1-8.1. WELLNESS WAY SECTOR PLAN

- *Add additional reference to the intent of the Wellness Way Sector Plan is to create a flexible market based long-term master plan that promotes significant economic development. "Shall" and "must" are suggested to be tailored to set goals with more of non-flexible requirements.*

Objective 1-8.1.1. ECONOMIC DEVELOPMENT

- *How can an economic based Sector Plan establish rigid "shall" policies when a comprehensive economic development strategy focusing on growth and retention of target industries and the complimentary land uses and infrastructure has not been developed?*

Policy 1-8.1.1.1:

- *If the Jobs-to Housing linkage remains as drafted in Policy 1-8.1.1.1 and in Policy 1-8.1.8.8, the Sector Plan has very little prospect of being successful in the foreseeable future. Residential development needs to precede job creation. If any job-to-housing ratio is retained at all, it should be aspirational, measured for the Sector Plan as a whole, and not on a DSAP by DSAP basis as now proposed. How would a predominantly Rural Reserve and Mixed Use Sub-urban DSAP ever satisfy the jobs-to-housing ratio?*
- *We have confirmed with the Treasure Coast Regional Planning Council and several expert land use planners that the job to housing ratio as required by this policy is not a reliable planning approach. In fact, governing entities that want to achieve a similar benchmark have created percentage goals to be met at the end of a specific timeframe or at a specific build out (i.e. 25% build out, 50% build out, etc.). These Goals should be flexible and evaluated throughout the planning period.*
- *In order to be attractive to new business there will need to be a significant amount of housing, retail and lifestyle/cultural choices in place, and the related policies must be more flexible than currently proposed.*
"the success of the Wellness Way Sector Plan area is not by any means going to happen spontaneously. It will take hard work on the part of county business and government leaders to ensure the necessary infrastructure is in place and that, via partnerships with educational institutions in the region, the workforce is in place to support the growth."
Page 116
- *How can a DSAP that is done to establish initial zoning on a tract of land be analyzed "to determine the impact of the proposed development program on the target jobs-to-housing ratio" when at such an early stage in the process, none of the end users are typically known?*
- *It is highly unlikely that most owners in this area of the County will be able to have a development commitment from a significant employer at the time the DSAP is submitted.*

Policy 1-8.1.1.2:

- *Add reference for economic initiatives and incentives. Do not limit target industries, especially in our changing economic environment.*

Policy 1-8.1.1.3:

- *The Policies provide no financial incentives for economic development (other than the promise that incentives will be created at some future date), and they mandate a rigid balance of development patterns by requiring not-to exceed percentages of development types. This inflexibility will hinder economic development.*

Policy 1-8.1.1.4:

- *Allocation of Land for Economic Development. How will Lake County determine what the sufficient developable land areas and appropriate land uses are that will attract and retain target industries when a private development application is presented, or determine how long private lands must be held for future target industry uses without imposing a moratorium?*
- *No agreement is ever guaranteed approval therefore delete the language "Amendments determined to result in an adverse impact may be denied".*

Objective 1-8.1.2. LAND USE AND URBAN FORM

- *"Create a more fiscally efficient development pattern", more fiscally efficient than what pattern? How will this be determined?*
- *Strict adherence to a "compact urban form" maybe a disincentive to target industry. For example clean energy and technology targets like solar and wind turbine manufacturing and testing facilities or similar industry may not fit a compact form.*
- *How much Employment is actually needed in the Sector? The proposed Sector Plan Land Use Map has a substantial amount of Employment Center acreage that may be an aggressive aspiration. Based on the data and analysis the plan provides for more than 3,300 acres for non-residential employment uses. Based on typical FAR this would generate over 76,700,000 square feet, which is inconsistent with the imputed square foot demand of 55,462,650 (data & analysis table 12). Employment Center and nonresidential acreages should be reduced, and residential acreage increased to support projected jobs.*
- *Residential densities and FARs should be calculated based on gross acres (exclusive of natural water bodies) so that the landowner can get a density/FAR benefit from the wetlands that must be preserved. Alternatively, some number of additional residential units should be allowed for each acre of preserved wetlands.*
- *How will land use percentages be applied Sector wide, by DSAP or individual Parcel? Who will determine these percentages over time?*

- *Calculations should use gross acreage. Net density requires a clear definition that can become confusing to monitor especially when applied or adjusted across multiple DSAPs. Lower the density requirements as part of this phase of the Sector Plan to make the adjustment for Gross and continue to allow for ranges in density rather than a specific requirement. This applies to multiple policies in the plan. This has been a long term issue for Orange County planning monitoring Horizon West approval*
- *Are recreation and open space lands allowed to include wetlands and waterbodies? They should be!*
- *Amend the Use Tables in each Land Use designation removing the specific residential references to Apartments and Condominiums and changing to the reference to Multi-Family to allow for more flexibility. This will avoid future issues especially in the implementation of the DSAP PD zoning.*

Mixed-use Urban

- *Areas designated MU are encouraged to include instead of shall a highly interconnected and multi-modal street system, compact urban design, and a broad mixture of uses. [What point is being made here?]*

Table FLUE 8.2.3 – Mixed-use Urban Land Use Mix

- Recommended change to mix:

Land Use	Minimum Acreage	Maximum Acreage
Industrial	Not Permitted	
Office	10%	30%
Commercial	20%	50%
Recreation/Open Space	10%	No Maximum
Public/Institutional	0%	20%
Residential	10%	60%

- Calculations should use gross acreage and be applied to the total area designated Mixed-use Urban and not to an individual parcel
- Floor Area Ratio (FAR) for non- residential development within the MU category shall be between .2 and 2.0.
- Within the MU category shall occur within a density range of four (4) dwellings units per net acre to twenty four (24) dwelling units per net acre.

Mixed Use Sub-Urban

Table FLUE 1-8. 3 – Mixed-use Sub Urban Land Use Mix

- Recommended change to mix:

Land Use	Minimum Acreage	Maximum Acreage
Industrial	Not Permitted	
Office	0%	20%
Commercial	10%	30%
Recreation/Open Space	20%	No Maximum
Public/Institutional	0%	20%
Residential	30%	80%

- Within the MS category a density range of three (3) dwellings units per acre to eighteen (18) dwelling units per acre shall be allowed.

Rural Reserve

- *What is the true intent/objective and economic benefit of the significant acreage allocation in Rural Reserve? Will the areas designated really support or promote crop production and significant job creation? This designation may hinder more beneficial development in large areas of the Sector Plan that may be needed to attract substantial employers to the area. Allowing higher densities in these areas and requiring central utilities would also better serve the environment than promoting large lot development on wells and septic tanks.*
- *Minimal environmental impacts are assured because the Policies condition approval of the DSAP on preservation of lands that have no legal status for preservation today (rather than incentivizing the voluntary preservation of such lands).*
- *Allow the RR category to be developed as Rural Conservation Subdivision consisting of at least 10 net or 15 dwelling units per gross acres.*

Policy 1-8.1.2.3: Urban Form.

- *The reference to “compact” urban form in the hierarchy of places has been a source of ongoing restriction to the creation of market based nodes of activity. Suggest deleting the reference to compact.*
- *Suggest making direct reference to allowing the consideration of gated subdivisions where they do not reduce connections within the overall transportation framework.*
- *Development of balanced communities that provide opportunities to live and work through all phases of development cannot be mandated or guaranteed.*

Objective 1-8.1.3.

MOBILITY

- *Within the Wellness Way Sector Plan area, who will be responsible for the management and guarantee that the plan will reduce vehicle trips, minimize vehicle trip lengths, and reduce vehicle miles travelled? How will the funding and development of a highly interconnected, multi-modal transportation network be assured?*

Policy 1-8.1.3.3: Pedestrian Facilities.

- *Front setbacks should be based on the context of the street and land use district in which they occur in lieu of the term "minimal".*

Policy 1-8.1.3.5:

- *The Transit Policy 1-8.1.3.5 mandates each DSAP to include a master transit plan but does not address cost considerations for this mandate that requires introduction of "measures that will produce a transit utilization rate of 5% or greater." What does this mean and what is the likely cost of implementing this Policy within each DSAP? This mandate is likely to be a significant disincentive for economic development if it requires assessments on undeveloped land. How can anyone assure a "transit utilization rate"?*
- *This Policy will create a competitive disadvantage for the Wellness Way Sector Plan as compared to land in the Town Center of Horizon West.*
- *This policy may have the effect of making each DSAP independent of the Framework Plan*
- *Allow for exemptions for development that precedes the County's establishment of the MMTD and multimodal street cross-sections. Allow for approval of alternatives to the street cross-sections.*

Policy 1-8.1.3.8:

- *Policy 1-8.1.3.8 requires the County to establish a Sector Plan-wide Multimodal Transportation District (MMTD). Before an MMTD is required in the Sector Plan, there should be analysis of cost to the County and individual property owners in the Sector Plan to determine if this Policy is financially feasible and how it will be implemented.*

Policy 1-8.1.3.10: Connectivity.

- *How will the County make sure the final connections are made and when slivers and spine strips separate the stub outs?*

Objective 1-8.1.4. ENVIRONMENTAL RESOURCES AND OPEN SPACE

- *The Environmental Resources and Open Space Policies suggest that CLIP and FNAI data bases will be used in the DSAP approval process to identify lands for permanent preservation. Alternate methodology should be allowed such as site specific environmental surveys. Incentives should also be provided to the landowner for preserving uplands that are not required by state or federal law to be preserved. Incentives should have some tangible value in the development process.*

Objective 1-8.1.5. PUBLIC FACILITIES

- *All of the Policies under Objective 1-8.1.5 Public Facilities should make clear that the “projected impacts” discussed in each of these Policies are the impacts from the proposed DSAP—not the generalized impacts of the Sector Plan area. For example, Policy 1-8.1.5.5 includes the statement:*

“Trails within a proposed DSAP that serve as a component of the Wellness Way Sector Plan’s multi-modal mobility system shall be identified as part of the DSAP process. The right-of-way required for such trails shall be conveyed prior to the issuance of building permits for development within the DSAP.” (Emphasis added).

Any requirement for such conveyance must satisfy the constitutional tests for exactions.

If the location of trails disproportionately affects one landowner’s property, a system needs to be developed that ensures other owners whose lands are not impacted by trails contribute to the cost.

The following language from Policy 1-8.1.5.7 is much more appropriate and should be adapted for use in each of the Public Facilities’ Policies:

“If it is determined that land is needed to accommodate the siting of facilities required to address the impacts of the proposed DSAP, these lands shall be conveyed prior to the issuance of building permits for development within the DSAP.” (Emphasis added).

Objective 1-8.1.6. FINANCING

Policy 1-8.1.6.1: Potential Funding Mechanisms for Regional Infrastructure.

- *Of the Potential Funding Mechanisms mentioned in Policy 1-8.1.6.1, tax increment financing is the only one that will help jumpstart the vision of the Sector Plan. Funding mechanisms that rely on special assessments or impact fees (unless nearly 100% credits are granted for infrastructure construction) create a penalty for the landowners who are pioneering new development in a green field area, especially if the special assessments or impact fees are higher than in other nearby areas.*

- *The Financing Policies should also make clear that the private sector's investment in the required infrastructure will be impact fee creditable.*

Policy 1-8.1.6.2: Funding Mechanisms:

- *The Policy should also make clear what is private sector and public sector responsibility.*

Objective 1-8.1.8.

IMPLEMENTATION

Policy 1-8.1.8.1: Detailed Specific Area Plan Process.

(The following text proposes additional language)

- *A DSAP of less than 1,000 acres may be approved by Lake County based on consideration of the following criteria:*
 - *Proximity to existing public infrastructure with adequate capacity to serve development;*
 - *Compatibility with surrounding existing and future land uses; and,*
 - *Consistency with the financial capability of local government and/or private entities to fund needed infrastructure concurrent with development.*
 - *Ownership patterns that will promote a unified development pattern or urban form.*
 - *Edges and boundaries created by conservation areas water bodies and governmental jurisdictions*
- *DSAPs shall take the place of zoning within the Sector Plan area and be processed in a manner similar to a Planned Unit Development (PUD). Will each DSAP have a separate zoning code and ordinance?*

Final DSAP

- *Since one or more uses described in the current proposed policy may not be required or present in the Final DSAP then the policy text should allow for unique conditions.*
- *A "detailed natural resource plan that identifies regionally significant natural resources within the DSAP and outlines specific measures to ensure the protection and, as appropriate, preservation, restoration and management of areas" will require a land management plan that may be premature and impossible to create across different ownerships with individual timing for assets and land uses.*

Policy 1-8.1.8.8: Jobs-to-Housing Tracking and Monitoring.

- *No development will be able to obtain lender financing if Policy 1-8.1.8.8 remains in the Sector Plan.*
- *This Policy requires jobs-to-housing milestones to be achieved within specific time frames and suspends development approvals if a ratio is not achieved. Policy 1-8.1.8.8 should be deleted.*

- *If this Policy is retained, what will be the impact on the last development within a DSAP or District that cannot meet the standard due to prior approvals or amendments?. This may be an impossible monitoring task for Lake County planning, zoning and permitting.*

Comments Specific to Davidson Harvest et al Properties:

Davidson Harvest, LLC

Island Tree, LLC

JJW Investment, LLC

- *For the Davidson Harvest properties south of Shell Pond/Schofield Rd change the land use district to Mixed suburban.*
- *For the Davidson Harvest properties north of Shell Pond/Schofield Rd change the land use district to Mixed Suburban unless the recommended changes described in Table FLUE 8.2.3 – Mixed-use Urban Land Use Mix-- in this memorandum are made, in which case this property can remain Mixed Urban.*
- *Remove the Employment Center designation from the property.*
- *For the JJW Investment no wetlands exist on this property. Correct the map removing the wetland designation and showing as Mixed Use Urban*
- *For the Island Tree, LLC property give it the Mixed Suburban designation.*